

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

LARRY JOHNSON et al.,

Plaintiffs,

v.

GUARDIAN MANAGEMENT et al.,

Defendants.

No. 3:21-cv-00947-JR
(Lead Case)

OPINION AND ORDER

MICHELLE HUME et al.,

Plaintiffs,

v.

**THOMAS BARRY BRENNEKE JUNIOR
et al.,**

Defendants.

No. 3:21-cv-01439-JR
(Trailing Case)

MOSMAN, J.,

On March 27, 2023, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (“F&R”) [ECF 65]¹ recommending that I deny Defendants’ Motion for Attorney Fees [ECF 56]. No objections were filed. Upon review, I agree with Judge Russo. I DENY the Motion for Attorney Fees.

¹ All citations are to documents in the lead case.

DISCUSSION


The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Russo's recommendation, and I ADOPT the F&R [ECF 65] as my own opinion. The Motion for Attorney Fees [ECF 56] is DENIED.

IT IS SO ORDERED.

DATED this 20th day of April, 2023.


MICHAEL W. MOSMAN
Senior United States District Judge